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AMENDMENTS TO LB 1021

1                   1. Insert the following new sections:

2                   "Sec. 66. Section 71-4301, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4                   71-4301. ~~As used in~~ For purposes of sections 71-4301 to  
5 71-4307, unless the context otherwise requires, swimming pool means  
6 ~~+ Swimming pool shall mean~~ any artificial basin of water ~~which has~~  
7 ~~been wholly designed,~~ modified, improved, constructed, or installed  
8 solely for the purpose of public swimming, wading, diving,  
9 recreation, or instruction. Swimming pool includes, but is not  
10 limited to, a pool serving a community, a subdivision, an apartment  
11 complex, a condominium, a club, a camp, a school, an institution, a  
12 park, a manufactured home park, a hotel, a motel, a recreational  
13 area, or a water park. Swimming pool includes a spa, hot tub, or  
14 whirlpool or similar device which (1) is designed for recreational  
15 use and not to be drained, cleaned, and refilled after each  
16 individual use and (2) may consist of elements, including, but not  
17 limited to, hydrojet circulation, hot water, cold water, mineral  
18 baths, air induction systems, or any combination thereof. Swimming  
19 pool does not include an artificial lake, a pool at a private  
20 residence and which is equipped with equipment to filter and  
21 disinfect, ~~and shall include pools for community use,~~ pools at  
22 apartments or housing developments having five or more living  
23 units, ~~clubs,~~ camp, ~~schools,~~ institutions, ~~park and recreation~~  
24 ~~areas,~~ motel, ~~hotels and other commercial establishments.~~

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1 ~~Sections 71-4301 to 71-4307 shall not apply to pools at private~~  
2 ~~residences~~ intended only for the use of the owner and guests, or a  
3 pool operated exclusively for medical treatment, physical therapy,  
4 water rescue training, or training of divers.

5           Sec. 67.     Section 71-4302, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           71-4302.   The Department of Health and Human Services  
8 Regulation and Licensure shall prepare, adopt, and have printed  
9 minimum sanitary and safety requirements in the form of regulations  
10 for the design, construction, equipment, and operation of swimming  
11 pools and bather preparation facilities. Such requirements shall  
12 include, but not be limited to, provisions for waiver or variance  
13 of design standards and the circumstances under which such waiver  
14 or variance may be granted.

15           Sec. 68.   Section 71-4305, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           71-4305.   (1) The Department of Health and Human Services  
18 Regulation and Licensure shall make at least one inspection every  
19 year of each swimming pool to determine that such swimming pool  
20 complies with the minimum sanitary and safety requirements.

21                   (2) The owner and operator of any swimming pool shall  
22 submit such operation and analytical records as may be requested at  
23 any time by the Department of Health and Human Services Regulation  
24 and Licensure to determine the sanitary and safety condition of the  
25 swimming pool.

26                   (3) ~~The distinction between Class A and Class B swimming~~  
27 ~~pools shall be prescribed by regulation by the~~ Department of Health

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1 and Human Services Regulation and Licensure shall adopt and  
2 promulgate rules and regulations which classify swimming pools on  
3 the basis of criteria deemed appropriate by the department. The  
4 department shall charge engineering firms, swimming pool owners and  
5 operators, and other appropriate parties fees established by rules  
6 and regulations ~~regulation~~ for the review of plans and  
7 specifications of a swimming pool, the issuance of a license or  
8 permit, the provision of swimming pool operator testing services,  
9 the inspection of a swimming pool, and any other services rendered  
10 at a rate which defrays no more than the actual cost of the  
11 services provided. All fees shall be paid as a condition of annual  
12 renewal of licensure or of continuance of licensure.

13 All fees collected under this section shall be ~~deposited~~  
14 ~~in~~ remitted to the State Treasurer for credit to the Department of  
15 Health and Human Services Regulation and Licensure Cash Fund. The  
16 Department of Health and Human Services Regulation and Licensure  
17 shall not charge a municipal corporation an inspection fee for an  
18 inspection of a swimming pool owned by such municipal  
19 corporation.".

20 2. Renumber the remaining sections and correct internal  
21 references and the repealer accordingly.